

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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VIKKI D. LEWIS, individually and on behalf of
all other persons similarly situated,

Plaintiff,

-against-

ORDER

CV 06-1308 (DRH)(ARL)

NATIONAL FINANCIAL SYSTEMS, INC.,

Defendant.

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LINDSAY, Magistrate Judge:

Before the court is the plaintiff's letter application dated March 19, 2007, seeking to amend the proposed pretrial order filed on January 19, 2007. The plaintiff also seeks reconsideration of the court's January 8, 2007 order denying the plaintiff's request to extend the discovery deadlines. The defendant opposes the application by letter dated March 22, 2007. For the reasons set forth below, the request is granted in part and denied in part.

At a conference held on January 22, 2007, the undersigned granted the plaintiff's request to take a 30(b)(6) deposition of the defendant. The defendant produced Herman Stephens for a deposition on February 2, 2007. Thereafter, at a further telephone conference, the court granted the plaintiff's application to take a further 30(b)(6) deposition on the issue of whether the defendant took steps to ascertain the dictates of the FLSA and the NYLL and how the "coefficient system" came into being. In compliance with the court's order, the defendant produced David Hernandez for a deposition on March 13, 2007. The plaintiff now seeks to include David Hernandez as a trial witness and include designated portions of his 30(b)(6) deposition transcript in the joint pretrial order. That request is granted.

The plaintiff's request to have this court reconsider its January 8, 2007 ruling, however, is denied. The plaintiff appealed that order to Judge Hurley on January 12, 2007. Accordingly, the undersigned is divested of jurisdiction to rule on this issue.

Dated: Central Islip, New York
March 26, 2007

SO ORDERED:

/s/
ARLENE R. LINDSAY
United States Magistrate Judge